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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,040	02/16/2005	Frank Rottmann	10191/3441	8781
26646 7590 07/28/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
DIEP, NHON THANH				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
07/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/507,040

**Applicant(s)**

ROTTMANN, FRANK

**Examiner**

Nhon T. Diep

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 10-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 10-24 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

Regarding to claims 10 and 17, which recite "recording the movement of the at least one object as entries in a list, and when the list is full, re-initializing the list while carrying over at least one entry from the list; and when a most recent entry of the list corresponds to the standstill and the list is full, re- initializing the list while carrying over a most recent entry that corresponds to the movement of the at least one object in addition to carrying over the most recent entry corresponding to the standstill". Since, the limitations of claims 10 and 17 as indicated above, contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is respectfully requested that the applicant shows any paragraph(s) and/or drawings' detail(s) to support for what are being claimed.

3. Claims 10-24 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura, in view of Yeredor et al (US 7,436,887 B2), and further in view of Baxter.

As shown in Figure 36, Kitamura teaches system for tracking at least one object in a scene. The system includes obtaining a sequence of images from an image detector (Col 19 Lines 45-47, Col 24 Lines 7-14, Fig. 44). The system determines a movement of at least one object in the scene based on the sequence of images (Col 20 Lines 16-31, Fig. 39). Note, Kitamura teaches the determining of a sudden drop in speed (Col 20 Lines 30-31). Kitamura further teaches the obtaining of the different characteristics of the object in order to determine an abnormal condition (Col 20 Lines 43-60). The values are compared to a threshold to determine if an abnormality exists (Col 21 Lines 1-7). Kitamura then teaches the verifying of the object being at a standstill (Col 21 Lines 29-30). The system generates a signal when a stationary object is determined (Col 22 Lines 22-26). It is noted that Kitamura does not particularly disclose that:

a. starting a counter when the movement of the at least one object comes to a standstill; and enabling counting of the counter only if the at least one object continues to be in the standstill; and generating a signal when a counter value of the counter reaches a predetermined threshold value as specified in claim 25; and

b. Even though, Kitamura further discloses the use of a reference image (Col 20 Lines 16-18). The reference image is further adapted onto multiple images as depicted in Figure 37 (claims 14, 15 and 20); and the gathering of information related to speed and position (Col 20 Lines 57-60). Kitamura is silent on providing the information as a list as specified in claim 25.

Regarding to a: Yeredor et al teaches an object tracking apparatus and method for the detection and tracking of dynamic and static objects, and the timing parameters definier component provides time settings information, such as the number of time units to be elapsed (threshold) before the generation of a trigger on a static object, and further more, the alarm indication may be provided visually to a screen or delivered via communication networks to officers located at the scene or to off-premises or via dry contact to an external device such as a siren, a bell, a flashing or revolving light. And, therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Kitamura by starting a counter when the movement of the at least one object comes to a standstill; and enabling counting of the counter only if the at least one object continues to be in the standstill; and generating a signal when a counter value of the counter reaches a predetermined threshold value as taught by Yeredor et al. Doing so would help to prevent false alarm, and to provide an alarm indication to authorized personnel.

Regarding to b: Baxter teaches the use of a list to store position and time information in order to provide later analysis of the information, and when motion occurs again and a new center of mass location 80 is detected, it is always compared against

the last value of each of the threads then in existence to determine which trajectory thread list 90 it will be placed in, and generally a new trajectory thread list 90 will be created when there are multiple center of mass locations 80 measured at any instant in time and will be ended when a center of mass location reaches an edge of a protected area as scanned by the optical detector 24 and then is no longer detected. (Col 6 Lines 1-36, Fig. 11). And, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the combination by creating a new list when motion occurs again, and new information of the list is always compared against the last value of the old list or it also would have been obvious to use at least one entry of the old list in the creation of the new list if there is no change between set of new data versus old data as taught by Baxter. Doing so would help to continue tracking objects while saving time.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ND

/Nhon T Diep/  
Primary Examiner, Art Unit 2621